

Municipal Council Workshop

January 19, 2005

Town Hall Auditorium

Roll Call: Anne Larnard, Christopher Lawrence, Mario Pinierio, Robert Woodsom Roger Benson
James Chandler, Ann Connolly King, Esther Headley and Joseph McMilleon

2004-126 Amend Article 7 of the Amesbury Town Bylaws – Councilors Lawrence & Woodsom sponsor

President McMilleon – We went to Town Council for an opinion about this bylaw and why don't you take a few minutes to go over this. I think it is very pertinent to our discussion tonight.

Councilor Larnard – Could the people who brought this bill forward do a summary?

Councilor Lawrence – I will start with reading the summary page and then go back to the beginning of the document.

Councilor Larnard – As you are doing that, how are we going to interface with the document that we got from the Attorney's?

Councilor Lawrence – We are not going to do that tonight. We are looking at our document. We just got the Attorney's document tonight. We will finish our document first and then we can go back.

Councilor Larnard – In just a quick review of this it is saying that there is a lot of conflict with the Town Charter.

Councilor Woodsom – A lot of what they are saying are in conflict with our charter were pulled from our charter.

Councilor Benson – He mentions that in his opinion that a lot of parts of chapter 7 may very well be in violation of the charter but, the charter supercedes article 7.

Councilor Lawrence – Reads Summary Detail of Proposal for 2004-126 (attached).

President McMilleon – Asks if anyone has questions regarding the summary.

Councilor Larnard – The most striking thing about the proposal is the shift from having Municipal Councilors on the Finance Committee to having the majority being town citizens. I am wondering how you see that as in terms of responsibility as far as...when I look at the system we have and the checks and balances, the Mayor is proposing....we can't initiate any spending, that comes from the Mayor. We are supposed to as the Finance Committee as the Council have the responsibility of approving or not approving. How do you see that responsibility shifting over to town's people that are not elected? What was your thinking behind that taking the responsibility for making financial recommendations away from the Council which is the elected legislative body?

Councilor Lawrence – We have final say on any decision on spending. What the proposal is is an advisory committee to the council. So, they will be....if you did go through the documents starting at 7.2 to 7.4, it clearly defines the roles and responsibilities of that finance committee, exactly what they can do.

Councilor Larnard – Do you think there are any negatives to having...what would be the potential pit falls if we went with this type of organization this type of structure?

Councilor Lawrence – I don't know.

Councilor Woodsom – The reason I am on board with this; I thought it would be an asset to have a separate group of eyes or people who the council can refer some of this to, who have time and maybe more experience, much like the Ordinance Committee. We have a couple members on that who are lawyers they have experience in that. Councilors hopefully do but, sometime not always. You might get more experience if you are appointing people. You try and stack the committee with as much experience as possible. We could still attend their committees, watch their deliberations and it all comes back before us. There would be a lot of checks and balances.

Councilor Larnard – Was it ever discussed when you were coming up with this as far as the numbers, did you...I am just wondering the process. Did you start out well lets have 3 councilor and 3 citizens, how did you come up with 7 citizens and 1 councilor. Was there discussion?

Councilor Woodsom – We went back and forth a lot. I was arguing my point and Chris was arguing his point and Brian. I was originally shooting for more Councilors and then the more I thought about it; why have more Councilors. I want this to be a separate board that we can lean on or use for independent opinion and on financial matter I think it would be better off with less Councilors.

Councilor King – What do you see the roll as an elected official in this? If we do turn the financial duties over...I understand that there will be two public hearings. It says there will be a public hearing in this document. The budget process is taken away from the council essentially because it would not be before us. If we wanted to access the information it would mean that we would have to sit in the audience and watch the presentation and yet we would be held accountable for the information. So we are going to be held accountable for information that we won't hear first hand from other people who are not elected giving us a recommendation but we ultimately will be held responsible for that.

Councilor Woodsom – Yes

Councilor King – So why would anybody want to run if there're being held accountable for the decision making by a non elected group of people.

Councilor Woodsom – You are making the decision. Your getting a recommendation from them, you are doing your own homework. You may still go to the finance meetings, maybe not. I don't know. I don't think I would change anything about the way I am a Councilor under this proposed legislation.

Councilor King – Unless a Councilor chooses to go and be a member of the audience we would not have access to information that passes through at the budget hearings. We would get that second hand.

Councilor Woodsom – The information or the paper?

Councilor King – The information that is gleaned through the budget hearings that doesn't always make it on the paper.

Councilor Woodsom – If you were not in the audience, no you wouldn't.

Councilor King – The next thing is the part of the institutional knowledge that was lacking and the way that the council time slots are set up that it's a two year term and the whole council could be let go. The DOR addressed this when they came in and did their study and I just want to read what they

said. "It is also apparent that within the city government structure as conceived in Amesbury the CFO has an important role. By charter language he is given specific wide ranging financial management responsibilities and is intended to provide institutional knowledge as elective offices change." This was recommended and pointed out when the DOR came.

Councilor Woodsom – The Council changed over all but two members when I was elected and it wasn't there. There was a big learning curve. I think if we have a charter commission I think the City Council should be looked at and we ought to have staggered terms. I think that is a very important thing that needs to be looked at.

Councilor Lawrence – Just responding on a couple of points. When I came on we had 7 new councilors, a new Mayor and a CFO. There was no continuity at that point. Everyone was brand new and so you had no idea what was going on in town previous to that. You are saying by the council not having the information; this board will make a presentation to us. The majority report and a minority if we request and we can also ask from them for any documents. It is not that we are never going to see anything again, we can ask them for any information we choose.

Councilor Chandler – Initially I thought it was very wise for us all to be on the Finance Committee and for the Council to be the Finance Committee but, as time has gone on I have changed my mind. I think we still have the responsibility and we should and under this bill we do but, I think of things we have seen in the past like this school lunch deficit problem. Our Chief Financial Officer didn't catch on to that, we didn't, it took some other eyes from the outside. We are going to have the responsibility to make the decision and if you're interested you can still go to the Finance Committee meeting. I see the Finance Committee as being a sub committee to the Council.

Councilor Benson – The first section of this is the main section that I have a problem with and it is a big problem. I believe that it strikes at the very fabric and intent of our local government. Our local government is set up a lot like our state government and federal. We have an executive branch, the Mayor legislative branch and us. We are the keepers of the purse. It is our main reason for being here; financial matters, to be the check on the Mayor in terms of financial matters. I see this bill as not a shift in authority so much as a shift in understanding. I don't understand why you would shift that understanding away from the very people who are making the decision in the end. I don't see what you gain by it other than an educated opinion but on the flip side you lose an educated opinion and the opinion that you lose that is educated is the person that is actually making the decision. As far as I am concerned, this makes no sense. There is a reason that it is set up like it is. There is a reason that the DOR suggested we change it to be set up currently from what it was like before when I first got on the council and there were 6 council members and 3 members of the public. I was one of the council members that weren't on the committee and I remember first hand what it was like. There was a lot of duplication and in the end there was a lot lost in the final making of the decision by the members that weren't on the appropriation committee that didn't sit through the budget hearings and the intense deliberations that went on in that committee. This idea of citizen input, while I believe it is good and noble, that is what we are. That is what we are modeled after, we are the citizen legislature. We are the working folks that come in here as laymen and give the taxpayers perspective. That is what we are supposed to be. I don't see changing the committee to residents, I am a resident we are all residents. We are not professional like they are up stairs but we are the peoples branch of government. I just don't understand what you accomplish by doing this. I think that if you are going to go at the heart of our government then you should do that when we debate the charter. That is when we should discuss the things that go at the very philosophy of how we operate and have that deliberation as an entire town and make that decision as an entire town. I don't understand this. I see

what it is trying to do but I just think it is the wrong way to do it. I can't see taking that understanding, and there is certainly a lot more understanding by serving...what Anne was getting at in terms of missing the minutia is just that. It is missing the minutia of deliberation and that will be lost, there is no question about it. Even if you are sitting there, if that person is not participating in that deliberation, that minutia will be lost and that is very important.

President McMilleon – Everybody feels very strongly about this issue one way or another. I want to try and use this time on questions on the summary page so Councilor Woodsom or Lawrence can respond.

Councilor Headley – I worked on the charter for a whole year before it was made. I didn't win in the election but the City Council asked me to be on the Finance Committee. We had 3 citizens and 6 from the council. It was good for me because I was asked to fill the place of the Councilor who won in my district in mid session. I think we need information from outside while we are thinking about these things but I don't think we need the whole group. I liked the 3 outsiders. We all had very different thoughts. It was interesting and I thought we got a lot out of it. I thought having the 3 people from the outside was throwing in something that we don't get. I do think that putting 3 outsiders on the finance committee along with the councilors can do a good job.

Councilor Pinierio – I am in favor of restructuring the Finance Committee because when I came to the first meeting to me it was a horror show. This proposal has 1 councilor and 6 residents but I believe it should be 3 councilors and 4 citizens and be in a financial field. When we get these numbers that come in front of us...I know when I first did it it just blew my mind. I think someone in the financial field would help the councilors.

President McMilleon – I'll try one more time. Do we have any questions? I have a few questions. Under the summary I do have one question about the objective. It say "to create a Finance Committee that is independent, yet still advisory" I'm not sure what you mean by independent? First off, I don't see how we can have this discussion without having a discussion about the legal opinion that we asked for from Town Counsel and Town Counsel speaks to that independent issue right there. We'll come back to that. In the summary in the first paragraph it says "it is believed that an advisory board independent of the council can better serve the decision process of the Municipal Council. I wrote down one word, how? How is that going to happen? That was one of my questions. But then as you continue it says "that a board having members of a diverse background, appointed to an advisor role"; now it is moving from an independent to an advisory role. There is confusion there, to me anyway. "Will generate valuable discussion and debate on matters referred to them and there by giving the Municipal Council valuable recommendations as it takes final action on its matters of business. It is believed that more direct public participation would be a benefit to the community as a whole". My question there was; don't we have that currently? We have any item that comes before the Council right now of a financial matter, first time on the agenda gets referred to the Finance Committee. We then have a Finance Committee meeting and that is open to the public. We have the public there. Anyone in the community, it is not just limited to 7 members of the community it is open to anyone in the community. Any expertise that is out there and any questions that they have, they can bring to that Finance Committee meeting. That's an open meeting; we have discussion all the time when we have the Finance Committee meetings currently. So, I don't see how changing that is going to help us get more information. I guess that is my question. Show me how and explain to me how that kind of a committee is going to change what we currently have access to right now.

Councilor Pinerio – I know what you are saying but you're saying the public. The people who are in the financial business they don't come to the council meetings to give us any advice or to say any thing. All we are getting is just the average person like you and me. By being on this Finance Committee would be to have somebody in the financial field that can help us.

President McMilleon – But they have the opportunity to do so.

Councilor Pinerio – But they don't come. If we appoint them or if they come forward and want to help us in the Finance Committee I think we would be better off because they have more knowledge.

Councilor Woodsom – The independent wording, my understand of it is independent by membership only. I think it probably shouldn't have been used because I think the opinion put a little too much emphasis on independent because it is not independent; it is still an advisory committee of the council far from independent.

President McMilleon – But how do we get any more out of this committee?

Councilor Woodsom – The same way we get more out of the Ordinance Committee by having a couple of lawyers on it.

President McMilleon – The second paragraph where it says "Current governing documents, the Charter, the Municipal Council Rules and Procedures, nor the Town Ordinances support this concept." What is this?

Councilor Lawrence – It is referring to the previous two sentences. "It is believed that knowledge has to be preserved. Specifically, the knowledge that is learned during discussion of all matters of business be it budgetary, audit results, or simple requests for transfers." That is what we are talking about preserving continuity. No current governing documents support this concept of knowledge being preserved.

President McMilleon – How is knowledge not preserved? Every single budgetary item has to come down from the Mayor, it has to come before the council, it has to go to committee, it has to be voted on and discussed at council meetings. You have minutes; you have audit reports every year. You have the annual report that is put out every year. You have all kinds of mechanisms in the charter, which I'm not saying we always adhere to; we are starting to now. We are starting to call the Mayor and the CFO to task on some of this information, but that information is all there. When someone goes out and runs for public office there being questioned by the public about town finances and about all of the issues that are out there and they are responding. Based on those responses and based on that information that they get through out the campaign they are voting for those people to represent them in town government. I don't see what is not being preserved. All that knowledge is being recorded, it is public record.

Councilor Lawrence – It is being recorded but I don't think people are reading the past two years when they are running for office.

Councilor Larnard – I did.

President McMilleon – I did, I did a lot of research. When I was in the city of Leominster and I ran for Mayor I studied for two years before I ran for office. So, I think it is unfair to say that someone that is

running for office doesn't research the issues, learn the history and detail, talks to department heads and talks to all kinds of people.

Councilor Benson – I think it is important to keep in mind that our system has a way to rectify the problem if you believe that one of your elected officials is not doing their homework and it's not to vote for them. That is how our system works. I think there is a disagreement here that is procedural which is almost a separate issue. There is also a disagreement here with the decisions that are being made and I don't believe you go after the system when you disagree with the decisions that are being made. I believe you go after the people that are in it and I am one of the people that are in it so if you disagree with my decisions; don't vote for me. That is how this system works.

Councilor King – Councilor Woodsom brought up comparing the Finance Committee to the Ordinance and I have been very vocal, I feel the Ordinance Committee is not a Committee we should be comparing other committees to emulate. That committee has a lot of issues and a lot of problems. I think that is something we need to talk about in our reorganization. To use that committee as a template to fashion the Finance Committee on is a very big mistake. We can do much better than that.

President McMilleon – The third paragraph under summary. "This legislation developed from review of the Charter, the Municipal Council Rules and Procedures, and the Town Ordinances. It was discovered that the subject matter of financial affairs is touched on in each of those documents. It is believed that this topic should be completely and thoroughly defined in one consolidated document. Amending Article seven of the Town Ordinances was determined as the most sensible place to consolidate all the roles, duties, and responsibilities, of all participants that are involved with financial matters within Town government." My question is how you came to the conclusion that amending Article 7 of the Town Ordinances was the way to begin this process when your City Charter is your City constitution. That is where you need to begin, not in Town Ordinances. In fact, the Town Ordinances have to be brought into compliance with your City Charter. If you want to change the financial procedure for the Town you go to the charter first.

Councilor Woodsom – Then why is it in the ordinances now?

President McMilleon – Those are old ordinances.

Councilor Woodsom – No they are not, 2001 Article 7.

Councilor Benson – The whole thing wasn't created in 2001 it was amended. If you look at the dates in these bylaws, you are seeing amendment dates.

President McMilleon – Those bylaws, from what I understand, were after the charter was passed were supposed to be brought into compliance with the charter. That hasn't been done. The law for the Town is the charter, so to me the place to begin is with the charter.

Councilor Lawrence – Moving forward, could you just explain to the audience when we can get questions and answers?

President McMilleon – This is a workshop for the council and we are trying to get through the questions and parts of this proposal that the council has questions on and then after we complete that we will be opening up to the public to hear their points of view or comments. I don't know how far we

are going to get on this tonight. I see this taking some time. We are not going to come out of here tonight with a recommendation that is going to go back to the council. I think this is going to take a couple of working sessions.

Councilor Lawrence – I think questions from the audience on the summary are OK.

Councilor King – I would ask that we be mindful of the time; just one comment per section.

Claude Gonthier – Historically speaking, the former form of government had an advisory committee to the town meeting. I was on that committee for ten years. It was an advisory committee. I think it is ludicrous to think that you can advise yourself. That is where I am coming from. When I voted for the charter I didn't have a problem with the Finance Committee. I thought we were going to get a Municipal Council and have a Finance Committee like we always had. If the original Council appointed 7 or 9 citizens we wouldn't be here tonight. They could have done it; they didn't do it. The Finance Committee was never an issue. It was about Selectmen and accountability and getting things done in quick time. People are very chauvinistic here. You people here are the only ones that have the wisdom and we don't know anything. That's the perception. You might not mean to impart that but, that is the perception. Every City and Town has a Finance Committee and they are always citizens committees. They are not elected, they are appointed. It has always worked; it has never been a problem. You can sit at the meetings and ask all the questions you want. It doesn't take anything away from you. I don't think you are giving anything up. All I see is benefits.

Councilor Benson – You said every City and Town has a Finance Committee and they are appointed citizens, I don't think that is true. I think most Cities have subcommittees of the council that are made up on Councilors. Every Town has a Finance Committee that is appointed citizens but as far as I can see every City has a committee that is made up of Councilors.

Councilor Lawrence – Not entirely of Councilors.

Councilor Larnard – Yes, they are. As Roger said; it is almost an understanding of the type of government, you are changing the type of government. One thing I had gotten that I found very helpful was a graphic organizer of what town government is and the responsibilities and what the Mayor, Council responsibilities are and you can see how it is delegated. Like Roger was saying, when you have a City Council, when you have a Finance Committee they are made up of subcommittees of City Councilors. That is the responsibilities when you look at a City form of government and you have your Mayor and your CFO that is written into the language of documents that that's where your institutional knowledge can get carried through. When we went to the MMA in January we talked to some people from other communities and we were double checking and they said they had a Finance Committee that had like 4 or 5 Councilors and there are no citizens. What we have is not unusual. Well, it is unusual that there are 9.

Annette Denietolis – Mr. McMilleon you mentioned you didn't see how this was going to benefit the Municipal Council. When I am watching, I see a Finance Committee that is not functioning as a Finance Committee. Every single meeting, so much more of the merits of whatever was before you were discussed than was the finances. The finances aren't being discussed. The information was never at hand. I read the whole thing, analyzed it myself to the best of my ability. I just read the letter from the Attorney and I believe you are correct; there are some issues you are going to have to look into and hammer out. His opinion about whether or not these things conflict with the charter but, I think all of these things can be worked out. You can take this basic body... it's a win win. You get an

advisory committee that will have one primary focus to deal with nothing but the financials who will be given specific tasks during the year that they will be held accountable to do; gathering information from the CFO, putting together reports for the rest of the committee. When you say; how are you going to get the information well it's not going to be a simple what are the recommendation of the Finance Committee we recommend that you do this. They are going to be presenting arguments for or what ever the majority vote was. They are going to make the recommendation, give you the supporting arguments as well as the minority opinion and the supporting arguments. You will get an enormous amount of information. The other problem I see with the way the Finance Committee is functioning now is that the public gets confused. They never know if they are talking to the Municipal Council or the Finance Committee. I have heard Councilor Benson say that he had a certain perspective on the library and nothing was going to change his mind. Well, all the information you get as a Finance Committee member is filtered through your bias. It is not anything you can help. I think that having an independent person who knows before hand that they are coming to this committee simply to focus on finances and I know those people are going to have bias too but, they are not making the vote, you are. So you get all that information through your preconceived or your bias or they way you want to see it and you give more weight to some information and less to other information. I think that having an independent advisory committee will eliminate a lot of that. I think this is a win, win situation for the Finance Committee.

Councilor Benson – I don't believe I ever said that nothing would ever change my mind about the library, and I would ask that someone find where I stated that because it doesn't sound like something I would say.

Councilor Larnard – Part of what the last speaker brought up about when you go to a finance meeting the merits are discussed and I think we had already discussed with the proposal that you had put forth that we are going to be discussing in Rules and Regulations of taking the public hearing out of the Finance Committee so you do that separate, I think the Councilors recognize that that would be something we would move towards. When we have a Finance Committee meeting we are at least got a proposal that we could act on to take that public hearing out.

Brian Flanagan – The motivation for this bill isn't anything personal. How you guys vote; you have that privilege. It has nothing to do with current situations. It has to do with looking back when you were elected four years ago you had seven new councilors, a new CFO and a new Mayor. There is no continuity there. That is really the motivation by sitting back and saying how do we address that. The charter does not allow us to do that for you guys. That is why the 10 year membership is written the way it is. This membership doesn't stop you from being on the Fin Com, I would not recommend that you turn to yourself for advice, but the wording is such that it doesn't stop you. I think you should move on from the membership. There are three documents in town and because I am on the Ordinance Committee I have seen them, that's why it came to light. The three documents in town that explain things kind of nothing is serial by any means. You have to go through each of the documents and sit down and write them out and say this is the way it is supposed to be. This council that is on the board right now didn't realize that there was an amendment to Article 7, it defines different dates and stuff like that. That is very unfortunate. I think you should concentrate on lets fix how we define because even though Town Counsel...and I believe Town counsel is right because there is a sentence missing right up front in the definition of this committee and that this is still an advisory committee of the Municipal Council. As it is written now it can be interpreted that this is supposed to be a town committee that is not the intent. The first paragraph of this proposal has to be changed to say that this is an advisory committee to the Municipal Council that is why the Municipal Council can appoint it. I think that Town Counsel would change quite a bit if it had that statement in there. You

need to take those three documents and combine them into one. If you are an elected official or an appointed to the Finance Committee you need to be able to go to one place and say this is what I signed up for and that doesn't exist right now.

Councilor King – What happened when the Council turned over four years ago and how I perceived was a very unfortunate thing. Show me what happened in the government.

Brian Flanagan – My only example I can think of quickly is that that council were the ones that passed bill 2000-80, Article 7 it defines the dates that this council wasn't fully aware of.

Councilor King – You mean Tom's article 7.

Brian Flanagan – Yes

Councilor King – Wasn't that in 2001 that it was passed?

Brian Flanagan – It would have been January 2001 when it was passed. This isn't about this council. It's about looking back at the previous council and how things have progressed. This is about the council that gets elected in 2005, 2007 and 2009. This is about putting into order how things are supposed to function so somebody can go to one spot. Membership aside, there is a big discussion over who should be advisory. You can bring up Jim's thing that the audits have not been looked at appropriately, well maybe the Finance Committee wouldn't have done that either. I can say that actually we could take metrics on what is going on today and come up with a good argument. As far as we are a City now or a Town now, tell me why, tell me why that matters; there is nothing in writing that says we have to do it this way because we are a City, nothing. Esther brought up a good point; added value, she became a councilor and knew more because she was on the Finance Committee. You get 7 to 9 people residents that are going to be on the Finance Committee that is your future council that is knowledge.

Councilor Headley – I worked on the formation of the former government first and the reason was that I was entirely upset with the town government. There used to be a balcony upstairs and when I came in I was always directed to go up there because I wasn't officially a big shot in Town. There were a lot of other things that were just as bad and I got very upset with that. When somebody said they would like to form a change...I met another lady of similar age and we went through the form and we expected to be the last ones on the ballot and we turned out to be the 4th and 5th. I guess other people wanted change and I am glad I went through it and I am glad that I became a member of the Finance Committee. I felt that everything town has been more distributed and there has not been so much narrowness as I call it. I do think that, I think that we should have 3 at least from the outside and the rest from the council. That way the councilors all know how to talk to each other on the phone and if they found something out and the rest didn't get a hold of it tell them, explain to them. I really do think that would work better. I do think that we have to run it more of a City than a Town. If we don't we are going right back to the same mistakes.

Brian Flanagan – I don't really disagree with anything you said and I applaud your services and what you have done to improve Town government. I don't see us going to a City. To the idea to the residents on the committee; I think residents bring a lot of added value. I have had this discussion with many of you. I bring added value to the Ordinance Committee. I think there are people in this town that would bring added value to the Finance Committee. Those people don't want to run for office. They shouldn't be stuck in the audience because they don't want to run for an elected position.

I just think that is absurd. You have a ton of resources right here in this 17,000 member community that you don't want to involve. Maybe if they were sitting in there they would take a different perspective. They would get up and come down and say I am going to make a difference because I am on the board and I want to listen to the audience. The one question that isn't answered about City form of government versus Town form of government and how the Finance Committee is done. You have talked about these different committees that are made up of Municipal Councilors; I would be interested in knowing what the tenure of their seats are because that is the big part about this. It is tenure; it's that they overlap with the rest of the committee for an extended period of time. There is a great deal of information...I've gone back and read minutes of the Ordinance Committee and wondered what it was we were talking about. The dog thing that came up, I was shocked to find out that the Ordinance Committee made a recommendation that that got accepted at Council. My recollection and my notes said we did not send any recommendation back to the Council but the minutes said we did. There are minutes and there is information available but if you have four members sitting there you are going to overlap. You are going to produce continuity that doesn't exist right now.

Councilor King – I agree that there are bylaws that do not agree with the charter. Even the DOR when they came in, in 2001 they noted that we have numerous documents all through town that don't go for state statue. Hopefully this will be corrected when we do the recoderfication and things like that. Like it or not we are a city form of government and before we look to change that could we work together and correcting the situation with the documents and move ahead in a better way so we can operate as a City form of government by cleaning up what is here. I agree we should not have lost sight of the audit. That committee should not have voted on this because even I noted that this doesn't agree with the charter when I read it. Could we find a way of working together before we make a big change? To get into a place where we know all of our documents match and then take a step forward to getting into changing things.

Brian Flanagan – You need recoderfication, this is step one, you can start with that. Recoderfication on 25 articles that exist in our bylaws plus all the chapters in the charter, that's a big task. You could start with this one now everything involved with this can be. Eventually would be but instead of part of an overall it can be part of an individual. I'm not sure why everyone keeps saying we are changing the form of government. Putting residents in seats....the Planning Board it is elected but it is a specialty. The Library Trustees, it is a specialty. Ordinance Committee it is a specialty. Finance Committee should be a specialty. By virtue of it being a committee means that they are an isolated body for what ever reason, what ever they are defined as, they shouldn't be. You guys look for advice from a committee and then say OK we are that committee.

Mark Deschenes – There is nothing to prevent us from creating a Finance Committee that fits Amesbury's needs. There is no this is what has to be done, it has to be Councilors or it has to be residents. There are no requirements; it can look like what ever we decide it to look like. I see admitted responsibilities not being done. I don't see why we seek expertise on other boards and committees but we don't provide the opportunity for the Finance Committee.

Councilor Lawrence – I want to start going through the sections. We will start with 7.2.1 – 7.2.1.5 pretty much deals with audits. Councilor Lawrence reads each section.

Councilor McMilleon – This proposal is not just about putting residents on the committee. If that was the issue before us we wouldn't be having such an in-depth discussion about this. The problem that I have with this is not so much having the residents on; the problem I have is the authority and power

and delegation of responsibilities to this committee. That is why we are going to have to look at....your right all of these for example, the audits that is mentioned in the charter and the Council Rules and the other documents you are talking about here but each one of those documents authority that is given about audits, who is going to do them, how they are going to be done, all of that how you are going to gather the information and what has to take precedence out of all those documents and I will keep coming back to this. It is clear it has to come from the charter. We have to take this document and we have to have charter over here and we have to have this document over here and see how it measures up. The charter has to take precedence. In the opinion that was given by Town Counsel; they were citing examples of where this is inconsistent with the charter. At the end of this opinion it is saying you can still do what you want to do which is to put residents on the Finance Committee but, you have to do it in compliance with the charter. It is not saying you can't do that. The problem I have is the way we are trying to do it. What I would want to do is look at each document and see what the charter says specifically about the audit. What does the Municipal Council Rules say about the audit and what does any other document say about the audit.

Councilor Woodsom – Should we go through this line by line if it is going to have to be cut up to be in compliance with the charter.

Councilor Larnard – I think if you are going to read something because you are reading us this document that we have all read, why don't we read together the legal document that we haven't had time to look at.

Councilor Woodsom – It seems to me we, the three of us should hash this out and bring it back.

President McMilleon – Tomorrow night for example we have a meeting about Council Rules and Procedures we could make recommendations for changes in the Finance Committee tomorrow night which would come before the Council and that could be put in place at our next council meeting and that could be an interim thing and then consider this and come up an revise again. You can always go back and revise Municipal Council Rules. It is not like we are restricted in a time frame to do that. There are some options here.

Councilor Lawrence – When you go under the table, under the column brand new, take a look at those because those are some good points that you should take a look at it is important. I have no problem meeting with Bob and Brian and take a look at the opinion and try to fix a couple things.

Councilor King – I mentioned this to Bob, one thing you might note in Article 7 there is a huge inconsistency in one of the articles with the charter and there may be others.

Councilor Chandler – I'm afraid we are getting a little bit confused with the situation. As I see it, this bill is strictly to help us out, just another set of eyes. When I look at this legal opinion, and I think Brian had it right when he said maybe they thought this was going to be a committee basically an advisory committee to us. These opinions by Town Counsel would almost make it seem like there is no way that we could be on the Finance Committee because we are already on the Municipal Council. These people are just going to advise us, so I don't see that it changes a single thing. Referring to the different articles here, it is only giving this advisory committee ideas of what they should be doing. If we are there now we are just asking somebody to help us out.

Councilor King – If it were just a general change in how we wanted to organize under our Rules and Regulations it could go but, this is coming through as a change to an ordinance or bylaw, which is

why it is treated differently. It is not coming through as a recommendation. Just for instance what Anne and I are recommending is just a change to the rules and regulations; it is not an ordinance, so that can just be heard in our organization meeting.

President McMilleon – Is there at least an agreement that Councilor Lawrence and Councilor Woodsom are going to take it back with Brian and look at it and then come back with some additional clarifications on each one of the sections. Is that a fair statement?

Councilor Lawrence – Yes

President McMilleon – I will entertain a motion to adjourn.

Councilor Larnard – I would like to address one last thing that Mr. Deschenes said. I think as far as what he is saying, you would know the background of people of the finance committee, we certainly when we run have to disclose our background. We have public meetings where they are interviewing us, newspaper articles about our background, we had a women's league of voters, people are aware of our background when we are elected into office. We disclose what our educational experience is, our work experience is, and that is common knowledge. As a council it is not like we hide our backgrounds. We people vote for us we are running on who we are and what we have done. I would like to ask you what you see as some of the concerns that could come up from this. Everybody says it's a win, win and no negatives. I think with anything no matter what kind of system you put in place there are going to be some kind of concerns or something you have to look at. I would like us to talk about that. Even when we did the council as a whole we brought up some of the problems that may arise from that. We need to look at it and be mindful of what would be some concerns if we went with this type of change. I would also ask, you are talking about institutional knowledge and I find it frustrating that not a lot of people run, I think that as a community we want more people to run. There are some seats this last time and the year before where the seats were unchallenged, not enough people in town stepped forward to fill these seats. I want to make sure that we have people that are willing to run. I don't want to create a situation where people say I don't want to run. We are here as the responsible people, it is our responsibility. When we go home at night after we take these votes we are the ones that have to think about what we voted. It is a very serious matter, it is accountability. I do think it is important to look at the shift. I don't have a problem myself in welcoming citizen input; I think that is a great idea. I still think the majority of the people that is on a Finance Committee, if we are going to have a city form of Finance Committee which we have, need to be responsible and it should be a majority member.

Brian Flanagan – We are electing Councilor's to make some difficult decisions. What we want to establish with this bill is a Finance Committee that is build and grows and never disbands. How many seats were not challenged in the past four elections? You don't have a choice on who sits in this seat.

President McMilleon – This could go on all night and I appreciate your input. This is going to be an on going discussion. There are arguments on both sides in regard to this proposal. We are going to have an opportunity to continue to discuss this and debate it.

Councilor Benson – motion to adjourn

Councilor Larnard – second

Voted – Unanimous

Respectfully Submitted,

Assistant Town Clerk